

**U.S. Department of Labor
Occupational Safety and Health Administration**

Advisory Committee Charter

National Advisory Committee on Safety and Health

OFFICIAL DESIGNATION:

National Advisory Committee on Safety and Health (NACOSH).

AUTHORITY:

NACOSH is established and operates in accordance with Section 7(a) of the Occupational Safety and Health Act of 1970 (OSH Act)(29 U.S.C. 651, 656); 29 CFR 1912a; and Secretary of Labor's Order 4-2010 (75 FR 55335 (9/10/2010)). In addition, NACOSH is established and operates in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App. 2), its implementing regulations (41 CFR 102-3), and chapter 1600 of Department of Labor Management Series 3 (3/17/2008).

OBJECTIVES AND SCOPE OF ACTIVITIES:

NACOSH advises, consults with, and makes recommendations to the Secretary of Labor (the Secretary) and Secretary of Health and Human Services (HHS) on matters relating to the administration of the OSH Act. The Secretary and HHS Secretary may consult with and seek advice and recommendations from NACOSH on Agency priorities, including, as appropriate, leadership in the national dialog on worker safety and health; strong, fair and effective enforcement; expanded compliance assistance; research and guidance; expanded partnerships and voluntary programs; and regulatory matters. The Secretary and HHS Secretary also may consult with and seek advice and recommendations from NACOSH on new areas and emerging issues involving occupational safety and health that OSHA and HHS choose to pursue or expand.

DESCRIPTION OF DUTIES:

NACOSH's duties are solely advisory and consultative. NACOSH advises, consults with, and makes recommendations to the Secretary and the Secretary of HHS on matters relating to the administration of the OSH Act. The Secretary and HHS Secretary may seek advice and recommendations from NACOSH on a variety of subjects, including guidance and outreach, research needs and priorities, regulatory matters, and other activities to help reduce work-related deaths, injuries and illnesses. NACOSH's advice will help the Secretary and HHS Secretary in terms of substantive input on workplace safety and health issues; ideas that could be implemented to reduce worker deaths,

injuries and illnesses; and feedback on OSHA and HHS initiatives to improve occupational safety and health.

AGENCY OR OFFICIAL TO WHOM THE COMMITTEE REPORTS:

NACOSH reports and submits advice and recommendations to the Secretary and the HHS Secretary, through the Occupational Safety and Health Administration (OSHA).

AGENCY PROVIDING SUPPORT TO THE COMMITTEE:

OSHA provides all necessary support for NACOSH (29 U.S.C. 656(a)(4), 29 CFR 1912a.9).

ESTIMATE ANNUAL OPERATING COSTS AND STAFF YEARS:

The estimated annual operating costs are approximately \$200,000, including 1.5 staff years.

DESIGNATED FEDERAL OFFICER:

The Director of OSHA's Directorate of Evaluation and Analysis, or his/her designee, will serve as the Designated Federal Officer (DFO). The DFO shall:

- Call or approve all NACOSH meetings and the meetings of NACOSH subcommittees and informal work groups;
- Prepare and approve all meeting agendas in consultation with the NACOSH chair;
- Attend all NACOSH meetings and meetings of NACOSH subcommittees and informal work groups;
- Adjourn any meeting when the DFO determines adjournment to be in the public interest;
- Chair meetings when the official to whom NACOSH reports so directs;
- Assemble and maintain the reports, records, and other papers of NACOSH; and
- Carry out the provisions of the Freedom of Information Act (FOIA) (5 U.S.C. 552) with respect to NACOSH reports, records, and other papers.

ESTIMATED NUMBER AND FREQUENCY OF MEETINGS:

NACOSH will meet two to four times per year.

DURATION:

Pursuant to the OSH Act, NACOSH is a continuing non-discretionary advisory committee of indefinite duration.

CHARTER TERMINATION:

This Charter will expire two years from the date of filing.

MEMBERSHIP AND DESIGNATION:

NACOSH is comprised of 12 representative members appointed by the Secretary, one of whom the Secretary appoints to serve as chair. The composition of NACOSH is as follows:

- Two members represent management;
- Two members represent labor;
- Two members represent the occupational health professions. The Secretary of HHS designate these members;
- Two members represent the occupational safety professions; and
- Four members represent the public. The Secretary of HHS designates two of these members.

Except as otherwise required by law, Committee membership will be consistent with the applicable FACA regulations, as follows:

- Membership on NACOSH will be fairly balanced;
- Members will come from a cross-section of those directly affected, interested, and qualified as appropriate to the nature and functions of NACOSH;
- The composition of NACOSH will therefore depend upon several factors, including:
 1. The Committee's mission;
 2. The geographic, ethnic, social, economic, or scientific impact of the Committee's recommendations;
 3. The types of specific perspectives required;
 4. The need to obtain divergent points of view on the issues before NACOSH, such as, for example, those of consumers, technical experts, the public at-large, academia, business, or other sectors; and
 5. The relevance of State, local or tribal governments to the development of the Committee's recommendations.

To the extent permitted by FACA and other laws, NACOSH membership should also be consistent with achieving the greatest impact, scope and credibility among diverse stakeholders. The diversity in such membership includes, but is not limited to, race, gender, disability, sexual orientation, and gender identity.

The members normally serve staggered two-year terms. At the discretion of the Secretary, members may be appointed to successive terms and removed at any time.

Members do not receive compensation for serving on NACOSH, but are allowed travel expenses, including per diem in lieu of subsistence as authorized by 5 U.S.C. 5703. Members are not deemed to be employees of the United States by virtue of their membership on NACOSH.

SUBCOMMITTEES:

The Secretary through OSHA may establish any number of subcommittees and informal work groups for the purpose of assisting NACOSH in carrying out its functions. Subcommittees and informal work groups may give advice, recommendations, and work products solely to NACOSH, but are not authorized to provide such advice, recommendations and work products directly to OSHA.

RECORDKEEPING:

All NACOSH meetings and subcommittee meetings are transcribed and detailed minutes are prepared. Detailed minutes also are prepared for all informal work group meetings. Transcripts, meeting minutes, work products, and other materials presented at NACOSH meetings and meetings of NACOSH subcommittees and work groups are entered into a public docket, which is available for inspection and downloading at <http://www.regulations.gov>, the Federal eRulemaking Portal. In addition, all records of NACOSH and its subcommittees and work groups will be handled in accordance with General Records Schedule 26, Item 2, "Records Created by Advisory Commissions, Committees, Councils, Boards and other Groups established under the Federal Advisory Committee Act (FACA)." These records will be available for public inspection and copying, pursuant to FOIA.

FILING DATE:

This Charter is filed on the date indicated below,



HILDA SOLIS
Secretary of Labor

OCT 29 2010

Date